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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,816	07/23/2003	Takashi Kawakami	NAII121502	2548
26389	7590	01/12/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			GRAY, DAVID M	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,816

Applicant(s)

KAWAKAMI, TAKASHI

Examiner

David M Gray

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9, 10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 11, 12 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04-26-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Substitute Office Action

The examiner was contacted by applicant's representative requesting consideration of the information disclosure statement filed 07-23-2003. This disclosure statement has been considered and a new Office action is hereby issued restarting applicant's period for response.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese publication 11-142933.

Regarding claim 1, the publication discloses a "camera case (20), having a camera storage space (inside 20) and an inhibiting section (113), the inhibiting section being constructed to inhibit light emitted from a camera flash (15) stored in the storage space from being transmitted to a lens (11) of the camera (see section [0031] of the translation)."

Regarding claim 2, the case has "a transparent section for a lens (11) and a transparent section for a flash (15), the transparent section for a lens and the transparent section for a flash being arranged at positions opposite to a camera lens and a flash stored in the storage space (as shown in drawing 1) and the inhibiting section being arranged between the transparent section for a lens and the transparent section for a flash (as shown in drawing 6)."

Regarding claim 3, "the inhibiting section is a rib projecting in an inward direction of the storage space (as shown in drawing 6)."

Claims 1, 2 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Balling et al.

Regarding claim 1, Balling et al. disclose a “camera case [14, 16, 20 and 22], having a camera storage space [the space occupied by camera 12] and an inhibiting section [46], the inhibiting section being constructed to inhibit light emitted from a camera flash stored in the storage space from being transmitted to a lens of the camera [col 2, lns 32-41].”

Regarding claim 2, Balling et al. disclose “a transparent section for a lens [26 and 40] and a transparent section for a flash [30 and 44], the transparent section for a lens and the transparent section for a flash being arranged at positions opposite to a camera lens and a flash stored in the storage space [see figure 1], and the inhibiting section being arranged between the transparent section for a lens and the transparent section for a flash [46 is between 30+44 and 26+40].”

Regarding claim 13, “the transparent section for a flash [30 and 44] is a through hole.”

Claims 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nishimura et al.

Regarding claim 6, Nishimura et al. disclose a “camera case [10 and 20], having a camera storage space [the space contained by 10 and 20] and an inhibiting section [22], the inhibiting section being constructed to inhibit light emitted from a camera flash stored in the storage space from being transmitted to a sensor [AF detection receiver behind 12] of the camera [22 surrounds flash element 31 such that flash is directed towards a subject, see figure 6 and col 3, lns 30-39].”

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Regarding claim 7, Nishimura et al. disclose “a transparent section for a flash [21a] and a transparent section for a sensor [12], the transparent section for a flash and the transparent section for a sensor being arranged at positions corresponding to a flash and a sensor stored in the storage space [col 2, lns 59-61 and col 3, lns 44-48], and the inhibiting section being arranged between the transparent section for a flash and the transparent section for a sensor [22 is between 12 and 21a].”

Regarding claim 9, Nishimura et al. disclose the “sensor is a distance sensor [col 2, lns 59-67].”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balling et al. in view of Japanese publication 2001-91996.

Balling et al. is a water resistant camera and thus baffle 46 can protrude through opening 40 in cover 20 in order to block the light from the flash from reaching the lens.

Japanese publication 2001-91996 teaches making a waterproof casing for a camera. It would have been obvious to one of ordinary skill at the time of applicant's invention to make the casing of Balling et al. waterproof. One would have been motivated to so modify Balling et al. in order to allow pictures to be taken underwater.

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When modifying Balling et al. in order to be waterproof the baffle 46 cannot protrude through the camera case. One of ordinary skill seeking to modify Balling in view of Japanese publication 2001-91996 would desire to maintain the light-blocking feature in order to provide enhanced photographs. Such an artisan would have recognized that the bend in cover 22 could function to block internally reflected light in cover 21 from reaching the lens with little or no modification. Thus the modified Balling et al. would have "a rib projecting in an inward direction of the storage space [the bent inward portion of 22 surrounding 7]" as set forth in claim 3. This portion meets the claimed "inhibiting section is a bent section formed by bending the camera case itself" as set forth in claim 4. The bent portion at the left edge of 7 as shown in figure 3 extends in a vertical direction of the storage space" as claimed in claim 10. And this portion "is an indented section formed around the transparent section for a lens" as set forth in claim 14.

Allowable Subject Matter

Claims 5, 8, 11, 12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest, "the inhibiting section is a slit" in combination with the remaining claim elements as set forth in claims 5 and 8.

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The prior art does not disclose or suggest, "the rib extends to close to upper and lower ends of the storage space" in combination with the remaining claim elements as set forth in claim 11.

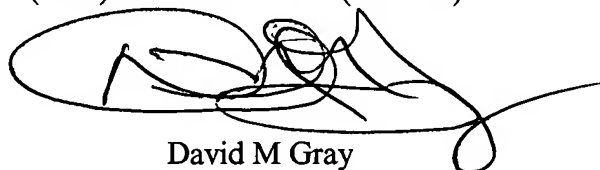
The prior art does not disclose or suggest "a rib projecting towards the inside of the storage space and a bent section formed by bending the camera case itself" in combination with the remaining claim elements as set forth in claim 12.

The prior art does not disclose or suggest, "the inhibiting section is an indented section formed around the transparent section for a sensor" in combination with the remaining claim elements as set forth in claim 15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M Gray', enclosed within a large, loopy oval shape.

David M Gray
Primary Examiner
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